IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 1285 of 2007(C)

PETITIONERS:
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1. **M/S. PALLANNATTIL CONSTRUCTION COMPANY (ENGINEERS AND CONTRACTORS), REVIEW BUILDINGS, KURISADI JUNCTION, NALANCHIRA,THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING PARTNER P.P.POULOSE.**

2. **P.P. POULOSE, MANAGING PARTNER, M/S. PALLANNATTIL CONSTRUCTION COMPANY (ENGINEERS & CONTRACTORS),REVIEW BUILDINGS KURISADI JUNCTION, NALANCHIRA,THIRUVANANTHAPURAM.**

BY ADV. SRI.D.KISHORE

RESPONDENTS:
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1. **THE KERALA FINANCIAL CORPORATION, VELLAYAMBALAM, THIRUVANANTHAPURAM-695033, REPRESENTED BY ITS MANAGING DIRECTOR.**

2. **THE CHIEF MANAGER, KERALA FINANCIAL CORPORATION, VELLAYAMBALAM, THIRUVANANTHAPURAM.**

3. **SHAIJU GEORGE, CHUNDAMANNIL, 37, ROSE NAGAR, NALANCHIRA P.O., THIRUVANANTHAPURAM.**

4. **REJIMON A.T., ARAMPALLIL, KADAKKANADU P.O., KOLENCHERY,ERNAKULAM**

5. **K.J. MATHEW, KATTUPARAMBIL VEEDU, PERIYAR GARDEN, GCDA ROAD, THOTTAKATTUKARA P.O., ALWAYE.**

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ADDL. R6 IMPLEADED

**6. V.RAJAN, GEETHA BHAVAN,
GANDHIPURAM SREEKARIYAM P.O.,
THIRUVANANTHAPURAM. IS IMPLEADED VIDE ORDER DT. 3.7.07 IN IA. 8537/07.**

**BY ADV. SRI.R.S.KALKURA - R1 & R2
SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR
SRI.HARISH GOPINATH**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE DT. 27.10.05 OF THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE REQUEST DT. 22.12.05 SUBMITTED BY PETITIONERS BEFORE THE 2ND RESPONDENT.

EXT.P3:- COPY OF THE LETTER DT. 20.1.06 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P4:- COPY OF THE SALE AGREEMENT DT. 20.1.06.

EXT.P5:- COPY OF THE LETTER DT. 1.2.06 SUBMITTED BY PETITIONERS BEFORE THE 2ND RESPONDENT ON 1.2.06.

EXT.P6:- COPY OF THE REQUEST DT. 7.2.06 SUBMITTED BY THE PETITIONERS BEFORE THE MANAGING DIRECTOR KFC.

EXT.P6(a):- COPY OF THE POSTAL RECEIPT AND ACKNOLEDGMENT CARDS EVIDENCING THE RECEIPT OF EXT.P6.

EXT.P7:- COPY OF THE NOTICE DT. 10.2.06 OF THE 2ND RESPONDENT.

EXT.P8:- COPY OF THE LETTER DT. 21.2.06 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P9:- COPY OF THE NOTICE DT. 3.6.05.

EXT.P10:- COPY OF THE LETTER DT. 22.6.06 OF THE 2ND RESPONDENT.

EXT.P11:- COPY OF THE PROCEEDINGS DT. 14.10.06 OF THE LOK ADALATH.

E.XT.P12:- COPY OF THE PROCEEDINGS NO.KFC/BO/TVPM/ 120331351 DT. 25.10.06.

EXT.P13:- COPY OF THE COMMUNICATION ISSUED TO REMIT RS. 15 LAKHS.

EXT.P13(a):- COPY OF THE TELEGRAM CASH RECEIPT.

EXT.P14:- COPY OF THE LETTER DT. 11.1.07.

EXT.P15:- COPY OF THE AGREEMENT DT. 19.3.07.

EXT.P16:- COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF 17 LAKHS.

EXT.P17:- COPY OF THE AGREEMENT DT. 17.3.07.

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EXT.P18:- COPY OF THE RECEIPT DT. 24.3.07 EVIDENCING THE PAYMENT OF RS.1 LAKH.

EXT.P19:- COPY OF THE LETTER DT. 24.3.07.

EXT.P20:- COPY OF THE LETTER DT. 24.3.07 SUBMITTED BY THE PETITIONER.

EXT.P21:- COPY OF THE REQUEST GIVEN BY SRI.M.M.SHAJAHAN BEFORE THE CORPORATION.

EXT.P22:- COPY OF THE NOTICE DT. 27.4.07 ISSUED TO SRI.THOMAS.

EXT.P23:- COPY OF THE NOTICE DT. 27.4.07 ISSUED SRI.JACOB ALEXANDER.

EXT.P24:- COPY OF THE REPLY SUBMITTED BY SRI.JACOB ALEXANDER TO EXT.P23.

RESPONDENTS EXHIBITS

EXT.R1(a):- COPY OF THE LETTER DT. 8.1.05 ISSUED BY THE PETITIONER FROM THE THE 1ST RESPONDENT.

EXT.R1(b):- COPY OF THE LETTER DT. 30.11.05 ISSUED BY THE PETITIONER FROM TO THE 1ST RESPONDENT.

EXT.R1(c):- COPY OF THE LETTER DT. 31.10.06 ISSUED BY THE PETITIONER TO THE RESPONDENT.

ANNEXURE:- COPY OF THE LETTER DT. 20.2.07 ALONG WITH THE ACKNOLEDGMENT ENDORESED BY THE SAID V.RAJAN.

/TRUE COPY/

P.A. TO JUDGE

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C.N.RAMACHANDRAN NAIR, J.

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Dated this the 9th day of August, 2007.

JUDGMENT

The W.P. is filed challenging sale of property belonging to the guarantors. Petitioners have sought permission to withdraw the W.P. leaving freedom to the guarantors to claim property or to challenge sale. The W.P. is accordingly dismissed as withdrawn. Guarantors who are owners of the property are free to challenge sale proceedings.

C.N.RAMACHANDRAN NAIR
Judge

pms